

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

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|-------------------------------|---|--------------------------|
| ERICA HINES |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 5:21-cv-00128-R |
| |) | |
| PORTFOLIO RECOVERY ASSOCIATES |) | |
| Defendant. |) | |
| |) | |
| |) | |

MOTION TO COMPEL DISCOVERY RESPONSES FROM DEFENDANT
PORTFOLIO RECOVERY ASSOCIATES

1. NOW INTO COURT the Plaintiff, by counsel, submits this motion and memorandum in support of Plaintiff's motion to compel discovery from Defendant Portfolio Recovery Associates ("Debt Collector") and to compel discovery responses, she states as follows:

I. Factual Background

2. Plaintiff seeks an Order compelling Debt Collector, submit responsive answers to Plaintiff's First Requests for Admission, Interrogatories, and Document Production.

3. As detailed below, Plaintiff has done her best to avoid the need to bring this motion before the Court.

4. Plaintiff served the subject discovery requests consisting of Requests for Admission, Interrogatories, and Document Production on November 17, 2021.
5. On December 17, 2021, Debt Collector requested an extension of time to produce discovery responses on December 29, 2021.
6. Plaintiff agreed to the extension making the discovery responses now due on December 29, 2021.
7. On December 28, 2021, Debt Collector requested a second extension of time making the discovery responses now due January 7, 2022.
8. Again, Plaintiff agreed to Debt Collector's second extension request making the discovery requests now due on January 7, 2022.
9. On January 7, 202, Debt Collector, for the third time, requested an extension of time consisting of seven (7) days to produce discovery.
10. Plaintiff's counsel agreed to Debt Collector's third extension of time request making the discovery requests now due on January 14, 2022.
11. On January 14, 2022, Debt Collector requested a fourth extension of time to produce discovery responses on January 20, 2022.
12. Plaintiff agreed to the fourth request making the discovery responses now due on January 20, 2022.
13. Debt Collector did not produce its responses on January 20, 2022.
14. On February 16, 2022, Plaintiff sent Debt Collector a discovery deficiency

letter requesting that Debt Collector produce its responses by February 17, 2022 by 5:00pm. See Pl. Ex. 1.

15. In addition, Plaintiff stated in the email:

If for any reason, CRM will not agree to provide complete and responsive answers by this time, please consider this email a request for a certificate of conference on a motion to compel, and let me know at your earliest convenience whether you will oppose the motion.

16. Debt Collector did not produce its responses on February 17, 2022.

17. Now, after exhausting her out of court remedies, and being unwilling to rely on Debt Collector finally producing after a fourth extension, Plaintiff seeks a ruling from the Court compelling Debt Collector to produce its discovery responses.

18. Plaintiff has tried to be as agreeable as possible during the pendency of this civil action.

19. Plaintiff has agreed to four (4) extensions for Debt Collector to produce its discovery responses.

20. With many of Plaintiff's deadlines rapidly approaching Plaintiff has no alternative but to ask the court for relief.

II. RELIEF REQUESTED

21. Plaintiff respectfully requests that this Honorable Court compel Debt Collector, to answer the respective requests, and provide sworn verification to the responses.


22. Plaintiff requests that Debt Collector be order to respond without objection to each request because Debt Collector waived its right to assert its objections.
23. Plaintiff also seeks to have this Honorable Court sanction Debt Collector, by casting it for Plaintiff's reasonable attorney fees and costs incurred in being forced to bring this motion before the Court.

III. CONCLUSION

24. WHEREFORE PLAINTIFF PRAYS that this Honorable Court enter an Order compelling Debt Collector answer Plaintiff's First Requests for Admission, Interrogatories, and Document Production.
25. FURTHER PLAINTIFF PRAYS that this Honorable Court sanction Debt Collector, by casting it for Plaintiff's reasonable attorney fees and costs incurred in being forced to bring this motion before the Court.

Respectfully submitted:

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By: 
JEFFREY A. WILSON

CERTIFICATE OF CONFERENCE

I certify that I attempted in good faith to comply with Local Rule 7.1(d)(1) by asking in writing, on February 16, 2022, whether Debt Collector will oppose a motion to compel. Debt Collector did not respond as to whether it was opposed to this motion. Therefore, Plaintiff assumes that Debt Collector is opposed to this Motion.

/s/ Jeffrey A. Wilson
Jeffrey A. Wilson

CERTIFICATE OF SERVICE

I hereby certify that on Friday, February 18, 2022 the foregoing document was served on all required parties via the ECF system.

/s/ Jeffrey A. Wilson
Jeffrey A. Wilson